



State of Utah

Department of
Natural Resources

Division of
Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director

LOWELL P. BRAXTON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

March 4, 2004

CERTIFIED RETURN RECEIPT
7099 3400 0016 8896 1973

Mr. Wes Hansen
Quality Building Stone
993 West 14730 South
Bluffdale, Utah 84065

Subject: Notice of Non-Compliance, Quality Building Stone, Unpermitted Quarry, M/055/022, Wayne County, Utah

Dear Mr. Hansen:

This letter provides formal notice that mining operations at your stone quarry near Torrey in Wayne County, Utah, are being conducted in violation of the Utah Mined Land Reclamation Act, 40-801 et.seq. (Act) and the Minerals Reclamation Program Rules, sections R647-1 through R647-5.

A site inspection was performed on January 30, 2004, which confirmed that large mining operations have been conducted at this quarry for which the Division of Oil, Gas and Mining has not received a Notice of Intention to Commence Mining Operations, permit fees, or a reclamation bond.

Findings of Non-Compliance

1. Quality Building Stone is conducting large mining operations prior to filing a Notice of Intention to Conduct Large Mining Operations. Rule R647-4-101 requires approval by the Division of a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) before mining operations exceeding five surface acres begin.
2. Rule R647-4-113 requires an operator to post surety with the Division to ensure adequate reclamation is performed, before mining-related disturbances are created. Quality Building Stone has not filed a reclamation surety.

Location of Non-Compliance:

Disturbances associated with Quality Building Stone's quarry are located in the SW¼ and the NW¼ of Section 20, and in the SW¼ of Section 13, Township 29 South, Range 5 East, SLBM, Wayne County, Utah.

Page 2 of 3
Wes Hansen
M/055/022
March 4, 2004

Mitigation Requirements:

1. **Within 60 days of receipt of this letter, Quality Building Stone must post a \$45,000 (\$5000 X 9.0 acres) *transitional* reclamation surety.** This *transitional* surety will remain in place until a Notice of Intention to Commence Large Mining Operations is submitted and approved. The surety amount will be adjusted accordingly upon Division approval of the Notice of Intention to Commence Large Mining Operations.
2. Within 90 days of receipt of this letter, Quality Building Stone must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and submit the required \$500 permit fee for a large mine under 50 acres.
3. Until the *transitional* surety is posted, the permit fee has been paid, and a technically adequate Notice of Intention to Commence Large Mining Operations has been filed, Quality Building Stone ***must cease all mining operations and removal of material from this site.***

Penalties for Failure to Comply:

1. If Quality Building Stone fails to resolve this Notice of Non-compliance within the timeframes set forth in this letter, the Division will file a formal Notice of Agency Action. This enforcement action could require the operator to appear at an informal hearing before the Division Director, or at a formal hearing before the Board of Oil, Gas and Mining. Following public notice and formal hearing, the Board may issue an abatement or compliance Order which may require immediate suspension or termination of all mining operations until the plan is approved; immediate reclamation of the site; and/or other lawful requirements as authorized under the Act.
2. The Board may also ask the County prosecutor or State Attorney General to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 for each knowing or willful violation of the Act.

Appeal Provisions:

If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director of Mining, Mary Ann Wright, and members of the Minerals Program staff. If you choose to appeal this Notice and arrange an informal meeting, please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice.

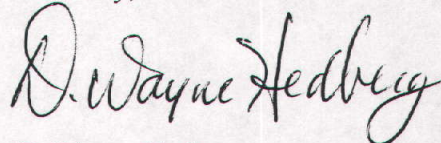
Page 3 of 3
Wes Hansen
M/055/022
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You also have the right to appeal the Division's decision on this matter by requesting an *informal* administrative hearing before the Division Director, Lowell Braxton, or by requesting a *formal* hearing before the Board of Oil, Gas and Mining. **A written appeal to this decision must be filed with this office within 10 days of your receipt of this certified letter.** The written appeal must state: 1) your intent to appeal; and, 2) the specific findings or requirements you wish to appeal. An Informal Hearing is conducted under the provisions of the Administrative Rules R647-5-102 – 106 and Sections 63-46b-4 and 63-46b-5 of the Utah Code Annotated (1953, as amended). If a hearing is not requested, then the Division's decision will become final.

The Division understands that Quality Building Stone has an additional quarry near the quarry that is the subject of this Notice of Noncompliance. We have not inspected this site and have no record of it, but you are hereby advised that any mining operations in Utah, regardless of whether the land is public or private, must be permitted with the Division of Oil, Gas and Mining. To avoid enforcement action for this quarry, you will need to submit the appropriate Notice of Intention, permit fees, and a reclamation bond.

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286, or Paul Baker, permit lead, at 538-5261. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

DWH:PBB:jb
Enclosure: Inspection Report
cc: Buzz Rakow, Hanksville BLM
Mary Ann Wright, Associate Director
O:\M055-Wayne\M0550022-Hansen\final\noncomp-03042004.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WES HANSEN
QUALITY BUILDING STONE
993 W 14730 S
BLUFFDALE UT 84065

JB DOGM M/055/022

3/4/2004

2. Article Number

(Transfer from service label)

7099 3400 0016 8896 1973

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Delina Milk

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/5

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

Above

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

MAR 09 2004

Joelle Burns

State of Utah

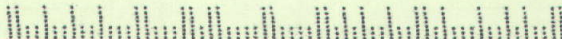
Division of Oil, Gas and Mining

1594 West North Temple Suite 1210

Salt Lake City UT 84114-5801

DIV. OF OIL, GAS & MINING

10



U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

JB DOGM M/055/022 3/4/04

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

WES HANSEN - QUALITY BUILDING STONE

Street, Apt. No.; or PO Box No.

993 W 14730 S

City, State, ZIP+4

BLUFFDALE UT 84065

PS Form 3800, February 2000

See Reverse for Instructions

7099 3400 0016 8896 9688 9700 0046 6607 2673